



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 06, 2013

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

22 August 6, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

AWARD OF CONTRACT FOR AS-NEEDED EXPLORATORY SUBSURFACE EXCAVATIONS SERVICES (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

This action is to award a contract for As-Needed Exploratory Subsurface Excavations Services within Los Angeles County.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the contract work is categorically exempt from the provisions of the California Environmental Quality Act.
2. Award the contract for As-Needed Exploratory Subsurface Excavations Services to SAF-r-DIG Utility Surveys, Inc., in the sum of \$1,114,380 for the initial three-year term. This contract will commence on August 28, 2013, or upon the Board's approval, whichever occurs last, with two 1-year renewal options at the annual contract sum of \$371,460 plus any remaining amount unused from the previous contract terms and a month-to-month extension up to 6 months for a maximum potential contract term of 66 months and potential aggregate maximum contract sum of \$2,043,030.
3. Authorize the Director of Public Works or her designee to increase the contract amount up to an additional 10 percent of the annual contract sum for unforeseen, additional work within the scope of the contract, if required.
4. Authorize the Director of Public Works or her designee to execute the contract; to renew the contract for each additional renewal option and extension period if, in the opinion of the Director of

Public Works or her designee, SAF-r-DIG Utility Surveys, Inc., has successfully performed during the previous contract period and the services are still required; to approve and execute amendments to incorporate necessary changes within the scope of work; and to suspend work if, in the opinion of the Director of Public Works or her designee, it is in the best interest of the County of Los Angeles to do so.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to award a contract for As-Needed Exploratory Subsurface Excavations Services. The work to be performed will consist of creating exploratory excavations to determine the location of underground facilities that may be impacted by the Department of Public Works projects. Public Works has contracted for these services since 1993.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1), Fiscal Sustainability (Goal 2), and Integrated Services Delivery (Goal 3). The contractor who has the specialized expertise to provide these services accurately, efficiently, timely, and in a responsive manner will support Public Works in meeting these goals.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The contract is for an aggregate sum of \$2,043,030 for the entire duration of the contract period, plus 10 percent of the annual contract sum for unforeseen, additional work within the scope of the contract. The first term is for a three-year period at \$1,114,380, plus two 1-year renewal options at \$371,460 annually, and an extension up to six months at \$30,955 per month with unused authorized amounts rolled over into each subsequent period. This amount is based on the unit price rates quoted by the contractor and Public Works' estimated utilization of the contractor's services.

Financing for these services will be funded by various Public Works' funds including Road, Flood Control District, Waterworks Districts, Sewer Maintenance Districts, Landscaping and Lighting Act Districts, Aviation, Proposition C Local Return, and Public Works General Fund approved for use on capital project infrastructure. Since this work will be requested on an as-needed basis and will be from various funds, work will not be authorized without first ascertaining that funds are available.

Funding for these services is included in various recommended Public Works Fiscal Year 2013-14 Fund Budgets for the first contract year. When the need arises for services under this contract, financing for the required services will be from the appropriate fund source. Funds to finance the contract's optional years and 10 percent additional funding for contingencies will be requested through the annual budget process.

Public Works successfully negotiated with the contractor to reduce their overall annual rate from \$573,377 to \$371,460 at a cost savings of 35 percent annually, without adding extension years or reducing services.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The recommended contractor is SAF-r-DIG Utility Surveys, Inc., located in Grand Terrace,

California. This contract will commence on August 28, 2013, for the initial term of three years. With the Board's delegated authority, the Director of Public Works or her designee may renew the contract for two 1-year renewal options and a month-to-month extension for up to 6 months for a maximum potential contract term of 66 months.

The contract will be in the form substantially similar to the form previously reviewed and approved by County Counsel (Enclosure A). Prior to the Director or her designee executing this contract, the contractor will sign and County Counsel will review it as to form. The recommended contract with SAF-r-DIG Utility Surveys, Inc., was solicited on an open-competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the requirements of the Chief Executive Officer and the Board.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The contract contains terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; and Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

Data regarding the proposers' minority participation is on file with Public Works. The contractor was selected upon final analysis and consideration without regard to race, creed, gender, or color.

Proof of the required Comprehensive General and Automobile Liability insurance policies, naming the County as additional insured, and evidence of Workers' Compensation insurance will be obtained from the contractor before any work is assigned.

Public Works has evaluated and determined that the Living Wage Program (Los Angeles County, Code Chapter 2.201) does not apply to this recommended contract, which is for services required on an as-needed and intermittent basis; hence, this contract is not a Proposition A contract (Los Angeles County Code, Chapter 2.121).

This contract does not allow for a cost-of-living adjustment for the optional years.

ENVIRONMENTAL DOCUMENTATION

These services are categorically exempt from the provisions of the California Environmental Quality Act (CEQA). These services are within a class of projects that has been determined not to have a significant effect on the environment in that they meet the criteria set forth in Section 15301 (c) of CEQA.

CONTRACTING PROCESS

On May 31, 2012, Public Works solicited proposals from 98 independent contractors and community business enterprises to accomplish this work. Also, a notice of the Request for Proposals (RFP) was placed on the County's "Doing Business With Us" website (Enclosure B), and an advertisement was placed in the Los Angeles Times.

On July 2, 2012, four proposals were received. The proposals were first reviewed to ensure they met the minimum requirements in the RFP. One proposer withdrew its proposal. The remaining proposals having met these requirements were then evaluated by an evaluation committee consisting of Public Works staff. The evaluation was based on criteria described in the RFP, which included the price, experience, work plan, equipment, and performance history/references utilizing the informed averaging methodology for applicable criteria. Based on this evaluation, Public Works intended to recommend this contract to be awarded to the highest-rated, apparent responsive, responsible, and lowest-cost proposer.

Consistent with the County of Los Angeles Services Contract Solicitation Policy, Policy No. 5.055, the third highest-rated proposer (now second highest-rated) submitted a Proposed Contractor Selection Review request. Public Works provided a detailed response, and they did not request for a review by a County Review Panel.

On March 13, 2013, Public Works received notification from the highest-rated proposer that they had sold their potholing portion of the company to another company that did not submit a proposal. In addition, the California State General Engineering Contractor's Class A License required for the work and identified as Minimum Requirements in the RFP expired, and the proposer failed to respond to Public Works' inquiries for clarification of these items. As such, they no longer meet the minimum requirements for the contract and have been disqualified as nonresponsive. Accordingly, the contract award is recommended to the current highest-rated, apparent responsive, responsible, and lowest-cost proposer, SAF-r-DIG Utility Surveys, Inc.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The award of this contract will not result in the displacement of any County employees as these services are presently contracted with the private sector.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Administrative Services Division.

The Honorable Board of Supervisors

8/6/2013

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Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:GZ:cg

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

SAMPLE AGREEMENT FOR
AS-NEEDED EXPLORATORY SUBSURFACE EXCAVATIONS SERVICES
(2012-AN005)

THIS AGREEMENT, made and entered into this ____ day of _____, 2013, by and between the COUNTY OF LOS ANGELES, a subdivision of the State of California, a body corporate and politic (hereinafter referred to as COUNTY) and SAF-R-DIG UTILITY SURVEYS, INC., a California Corporation (hereinafter referred to as CONTRACTOR).

WITNESSETH

FIRST: The CONTRACTOR, for the consideration hereinafter set forth and the acceptance by the Board of Supervisors of said COUNTY of the CONTRACTOR'S Proposal filed with the COUNTY on July 2, 2012, hereby agrees to provide services as described in this Contract for As-Needed Exploratory Subsurface Excavations Services (2012-AN005)

SECOND: This AGREEMENT, together with Exhibit A, Scope of Work; Exhibit B, Service Contract General Requirements; Exhibit C, Internal Revenue Service Notice 1015; Exhibit D, Safely Surrendered Baby Law Posters; Exhibit E, Defaulted Property Tax Reduction Program; the CONTRACTOR'S Proposal, all attached hereto; the Request for Proposals; and Addenda to the Request for Proposals, all of which are incorporated herein by reference, are agreed by the COUNTY and the CONTRACTOR to constitute the Contract.

THIRD: The COUNTY agrees, in consideration of satisfactory performance of the foregoing services in strict accordance with the Contract specifications to the satisfaction of the Director of Public Works, to pay the CONTRACTOR pursuant to the Schedule of Prices set forth in the Proposal and attached hereto as Form PW-2.1, an aggregate contract sum of \$2,043,030 for the entire duration of the contract period, including renewal options and month-to-month extension up to six months. The initial term is for a three year period at \$1,114,380, two 1-year renewal options at \$371,460 annually, if option years are exercised, each option will have the annual amount of \$371,460, plus any remaining amount unused from the previous Contract term(s), or such greater amount as the Board may approve (Maximum Contract Sum).

FOURTH: This Contract's initial term shall be for a period of three years commencing on August 28, 2013. The County shall have the sole option to extend this Contract term for up to two additional one-year periods and six month-to-month extensions, for a maximum total Contract term of five years and six months. Each such option and extension shall be exercised at the sole discretion of the COUNTY. The COUNTY, acting through the Director, may give a written notice of intent to extend this Contract at least ten days prior to the end of each term. At the sole discretion of the COUNTY, in lieu of extending the Contract for the full one year, this Contract may be extended on a month-to-month basis, upon written notice to the CONTRACTOR at least ten days prior to the end of a term. The Director will provide a written notice of nonrenewal at least ten days

before the last day of any term, in which case this Contract shall expire as of midnight on the last day of that term. Where all option years have been exercised, the Director will not provide a written notice of nonrenewal.

FIFTH: The CONTRACTOR shall bill monthly, in arrears, for the work performed during the preceding month. Work performed shall be billed at the unit prices quoted in Form PW-2.1, Schedule of Prices.

SIXTH: Public Works will make payment to the CONTRACTOR within 30 days of receipt and approval of a properly completed and undisputed invoice. However, should the CONTRACTOR be certified by the COUNTY as a Local Small Business Enterprise, payment will be made in accordance with Board of Supervisors Policy No. 3.035, Small Business Liaison and Prompt Payment Program. Each invoice shall be in triplicate (original and two copies) and shall itemize the work completed. The invoices shall be submitted to:

County of Los Angeles Department of Public Works
Attention Fiscal Division, Accounts Payable
P.O. Box 7508
Alhambra, CA 91802-7508

SEVENTH: In no event shall the aggregate total amount of compensation paid to the CONTRACTOR exceed the amount of compensation authorized by the Board. Such aggregate total amount is the Maximum Contract Sum.

EIGHTH: The CONTRACTOR understands and agrees that only the designated Public Works Contract Manager is authorized to request or order work under this Contract. The CONTRACTOR acknowledges that the designated Contract Manager is not authorized to request or order any work that would result in the CONTRACTOR earning an aggregate compensation in excess of this Contract's Maximum Contract Sum.

NINTH: The CONTRACTOR shall not perform or accept work requests from the Contract Manager or any other person that will cause the Maximum Contract Sum of this Contract to be exceeded. The CONTRACTOR shall monitor the balance of this Contract's Maximum Contract Sum. When the total of the CONTRACTOR'S paid invoices, invoices pending payment, invoices yet to be submitted, and ordered services reaches 75 percent of the Maximum Contract Sum, the CONTRACTOR shall immediately notify the Contract Manager in writing. The CONTRACTOR shall send written notification to the Contract Manager when this Contract is within six months from expiration of the term as provided for hereinabove.

TENTH: No cost-of-living adjustments shall be granted for the optional renewal periods.

ELEVENTH: In the event that terms and conditions, which may be listed in the CONTRACTOR'S Proposal, conflict with the COUNTY'S specifications, requirements, and terms and conditions as reflected in this AGREEMENT including, but not limited to, Exhibits A through E, inclusive, the COUNTY'S provisions shall control and be binding.

THIRTEENTH: This Contract constitutes the entire agreement between the COUNTY and the CONTRACTOR with respect to the subject matter of this Contract and supersedes all prior and contemporaneous agreements and understandings.

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IN WITNESS WHEREOF, the COUNTY has, by order of its Board of Supervisors, caused these presents to be subscribed by the Director of Public Works, and the CONTRACTOR has subscribed its name by and through its duly authorized officers, as of the day, month, and year first written above.

COUNTY OF LOS ANGELES

By _____
Director of Public Works

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By _____
Deputy

SAF-R-DIG UTILITY SURVEYS, INC.

By _____
Its President

Type or Print Name

By _____
Its Secretary

Type or Print Name

Bid Detail Information

Bid Number : PW-ASD861

Bid Title : AS-NEEDED EXPLORATORY SUBSURFACE EXCAVATIONS SERVICES (2012-AN005)

Bid Type : Service

Department : Public Works

Commodity : EXCAVATION SERVICES

Open Date : 5/31/2012

Closing Date : 6/13/2012 9:00 AM

Bid Amount : \$ 500,000

Bid Download : Not Available

Bid Description : PLEASE TAKE NOTICE that Public Works requests proposals for the contract for As-Needed Exploratory Subsurface Excavations Services (2012-AN005). The annual contract amount of this service is estimated to be \$500,000. The Request for Proposals (RFP) with contract specifications, forms, and instructions for preparing and submitting proposals may be accessed at <http://dpw.lacounty.gov/asd/contracts> or may be requested from Mr. Scott Pham at (626) 458 4069, spham@dpw.lacounty.gov, Monday through Thursday, 7 a.m. to 5 p.m.

PLEASE CHECK THE WEBSITE FREQUENTLY FOR ANY CHANGES TO THIS SOLICITATION. ALL ADDENDA AND INFORMATIONAL UPDATES WILL BE POSTED AT <http://dpw.lacounty.gov/asd/contracts>.

Minimum Requirement(s): Proposers must meet all minimum requirements set forth in the RFP document including, but not limited to:

1. Proposer must hold a valid and active State of California General Engineering Contractor's Class A License or a Pipeline Contractor's C-34 License at the time of proposal submission.
2. Proposer must have a minimum of three years of experience performing the type of service solicited.
3. Proposer's on-site supervising employee must have at least two years of experience performing the type of service solicited.
4. The use of subcontractors is prohibited for this service except for traffic control and/or saw-cutting purposes. Saw-cutting subcontractors, if applicable, must hold a valid and active State of California General Engineering Contractor's Class A License at the time of proposal submission.

A Proposers' Conference will be held on Wednesday, June 13, 2012, at 9 a.m. at Public Works Headquarters, 900 South Fremont Avenue, Alhambra, California 91803, in Conference Room C. ATTENDANCE BY THE PROPOSER OR AN AUTHORIZED REPRESENTATIVE AT THE CONFERENCE IS MANDATORY. Public Works will reject proposals from those whose attendance at the conference cannot be verified. Attendees should be prepared to ask questions at that time about the specifications, proposal requirements, and contract terms. After the conference, Proposers must submit questions in writing and request information for this solicitation within three business days from the date of the conference. After the third business day, it may be impossible to respond to further requests for information.

The deadline to submit proposals is Wednesday, June 27, 2012, at 5:30 p.m. Please direct your questions to Mr. Pham at the number listed on below.

Contact Name : Scott Pham

Contact Phone# : (626) 458-4069

Contact Email : spham@dpw.lacounty.gov

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